

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

GARRY MOORE

PETITIONER

VERSUS

CIVIL ACTION NO. 2:07cv151KS-MTP

RONALD KING, et al.

RESPONDENTS

ORDER

This cause comes before the petitioner's motion [24] entitled "Motion for Declaration that Certificate of Appealability Is Not Required, or In the Alternative a Declaration That Certificate of Appealability Should Be Granted." Having reviewed the motion, this court finds that the petitioner's motion that a certificate of appealability is not required when appealing a habeas filed pursuant to 28 U.S.C. § 2241 is correct. See Ojo v. INS, 106 F.3d 680 (5th Cir. 1997). The petitioner's motion [24] is not necessary for the petitioner to proceed with this appeal. Therefore, it is **denied** as moot.

SO ORDERED, this the 7th day of November, 2007.

s/ Keith Starrett
UNITED STATES DISTRICT JUDGE